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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,714	11/26/2003	Bing Ji	06299P2 USA	9797
23543	7590	06/02/2005	EXAMINER	
AIR PRODUCTS AND CHEMICALS, INC. PATENT DEPARTMENT 7201 HAMILTON BOULEVARD ALLENTEWON, PA 181951501				GOUDREAU, GEORGE A
		ART UNIT		PAPER NUMBER
		1763		

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/723,714	JI ET AL.
	Examiner	Art Unit
	George A. Goudreau	1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 February 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 31-49 is/are pending in the application.  
4a) Of the above claim(s) 50 and 51 is/are withdrawn from consideration.  
5)  Claim(s) 31-49 is/are allowed.  
6)  Claim(s) \_\_\_\_\_ is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

George A. Goudreau  
GEORGE GOUDREAU  
PRIMARY EXAMINER

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413).  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

1. Claims 31-49 are allowed.

2. Applicant's election with traverse of the method claims in the reply filed on 2-22-05' is acknowledged. The traversal is on the ground(s) that there is no serious burden imposed upon the examiner by requiring the examiner to examine both the method claims, and the composition claims. Thus, the restriction requirement by the examiner cannot not be made on this basis. This is not found persuasive because there is a serious burden imposed upon the examiner by requiring the examiner to examine both the method claims, and the composition claims. The search required for the composition claims require that class 252 be searched which is not a required search for the method claims. Similarly, the search required for the method claims requires that class 216, class 134, and class 438 be searched which is not a required search for the composition claims. Thus, requiring the examiner to search both the method claims, and the composition claims in this application imposes a serious burden upon the examiner.

The requirement is still deemed proper and is therefore made FINAL.

3. This application is in condition for allowance except for the following formal matters:

-Cancel claims 50-51 which were non-elected with traverse due to a previous restriction requirement imposed upon the applicant by the examiner.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire **TWO** **MONTHS** from the mailing date of this letter.

4. Any inquiry concerning this communication should be directed to examiner George A. Goudreau at telephone number (571)-272-1434.

*George A Goudreau*  
George A. Goudreau  
Primary Examiner  
Art Unit 1763